

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND



45th Annual Report

July 1, 2019 thru June 30, 2020

Our Mission

The Attorney Grievance Commission of Maryland is dedicated to protecting the public and maintaining the integrity of the legal profession. The Commission, through the Office of Bar Counsel, seeks to encourage and promote the ethical practice of law and the highest standards of professionalism by members of the Bar. In carrying out their functions of evaluating complaints and enforcing ethical standards for lawyers, the Commission and Bar Counsel strive for fairness and equity.

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During this fiscal year, John A. Bielec retired as a member of the Attorney Grievance Commission after 18 years of service. Mr. Bielec's retirement was necessitated by his appointment as an associate judge on the District Court of Maryland for the District of Prince George's County. The Commission recognizes Mr. Bielec's dedication, professionalism, and outstanding service to the organization. On March 2, 2020, the Court of Appeals of Maryland appointed Dennis Whitley, III, Esquire, to the Commission to fill the vacancy left by Mr. Bielec's retirement.

The Office of Bar Counsel welcomed Staff Attorney Lana B. Hitchens.

The number of licensed attorneys in Maryland increased slightly from 40,393 to 41,177. This year, the Office of Bar Counsel received 1,599 complaints, the lowest number of complaints received in ten years. Bar Counsel docketed 285 matters for further investigation, an increase from FY 2019 when 278 matters were docketed. The number of sanctioned attorneys, 76, remained steady from FY 2019 when 77 received sanctions. The number of sanctioned attorneys is slightly lower than the ten-year average for all sanctions: approximately 83 per year. While reprimands, numbering 32, were higher than the ten-year average of 29, the number of disbarments, 28, and suspensions, 16, were both lower than the ten-year averages of 32 and 23 respectively.

The largest percentage of complaints docketed continues to involve attorneys located in Montgomery County (20%). Montgomery County is followed by Baltimore City (19%), Prince George's County (15%), out of state attorneys (12%), and Baltimore County (11%). The practice areas at issue with the most docketed complaints were civil litigation (56), criminal defense (27), personal injury (26). The largest category of conduct complained about included some combination of competence, diligence and communication failures, representing 27% of all docketed complaints.

One of the most important functions of the office is to establish and pursue conservatorships of the client files and accounts of deceased, disbarred and disappeared lawyers. This year, eleven (11) new conservatorships were established, consistent with FY 2019 when nine (9) new conservatorships were established. Six conservatorships were closed in FY 2020 and thirty-six (36) remained open at the end of the fiscal year.

As in previous years, the staff of the Office of Bar Counsel and the Executive Secretary were involved in educational programs presented to lawyers, law students and judges in an effort to alert participants to their ethical and professional obligations. Additionally, staff members wrote articles published in a variety of publications.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
DISCIPLINARY SUMMARIES
Fiscal Year 2020

AMBE, Jude – Disbarred on October 21, 2019, for failing to represent his client competently and diligently, failing to abide by the scope of representation, failing to adequately communicate with his client, collecting unreasonable fees, failing to safekeep funds in an attorney trust account, failing to take steps to protect his client's interest upon termination of his representation, failing to maintain candor to the tribunal, knowingly making false statements to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent neglected his client's immigration case, failed to appear in court, made various material misrepresentations to a tribunal and to Bar Counsel and failed to deposit unearned funds in an attorney trust account.

ANTHONY, Steven Cochario – Suspended on August 21, 2019, effective immediately, until further order of the Court of Appeals.

ASAKI, David Wayne – Commission Reprimand on July 2, 2019, for failing to provide a written retainer agreement when collecting a contingency fee, representing a client involving a conflict of interest, and failing to safekeep funds in an attorney trust account. Respondent represented a business owned by two individuals in equal shares. Respondent obtained and collected a judgement on behalf of the business but disbursed the funds to only one owner.

BAGHERI, Babak – Disbarred by Consent on January 9, 2020, for knowingly making false statements to Bar Counsel, committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent downloaded confidential client information onto external hard drive after he was terminated and recorded a meeting without the participants' knowledge or consent.

BAH, Mohamed Alpha – Disbarred on March 12, 2020, effective immediately, for failing to represent his clients competently and diligently, failing to abide by the scope of representation, failing to adequately communicate with his clients, failing to safekeep unearned fees in his attorney trust account and failing to obtain his client's informed consent, confirmed in writing, to hold the funds outside of trust, failing to properly withdraw from representation, failing to reasonably expedite litigation, engaging in the unauthorized practice of law, knowingly failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent neglected his clients' matters, failed to maintain client funds in an attorney trust account, failed to refund unearned fees to his clients, and engaged in dishonest and deceitful conduct related to the misappropriation of funds.

BAILEY, Genevieve N. – Commission Reprimand on January 23, 2020, for engaging in the unauthorized practice of law. Respondent, who is admitted to practice law in Georgia, but not Maryland, filed a Response and Objection in a family law matter before the Circuit Court for Montgomery County.

BALANNIK, Dmitry David – Disbarred by Consent on November 22, 2019, effective January 15, 2020, for failing to represent his client competently and diligently, failing to abide by the scope of representation, failing to adequately communicate with his client, collecting unreasonable fees, failing to take steps to protect his client's interest upon termination of his representation, failing to reasonably expedite litigation, failing to maintain fairness to opposing parties and counsel, knowingly failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. In bankruptcy matters, Respondent failed to comply with court orders, failed to appear at hearings, filed multiple bankruptcy cases to stall legitimate debt collection and foreclosure proceedings, routinely failed to file documents required by the bankruptcy code and failed to correct his clients' false testimony during a meeting of creditors.

BEARD, Christopher Lee – Commission reprimand on April 11, 2020, for failing to safekeep funds in an attorney trust account and failing to promptly remove earned fees from his attorney trust account. For a number of years, Respondent did not reconcile his attorney trust account and held earned fees in trust which caused several negative client ledger balances to go unnoticed.

BROWN, Brian Stuart – Reprimand by Consent on January 9, 2020, in a reciprocal action from the District of Columbia, for failing to represent his client competently and diligently and failing to adequately communicate with his client. Respondent failed to take any action in his client's case that caused a three-year delay in the client's receipt of the proceeds from a \$100,000.00 judgment.

BROWN, Warren Anthony – Commission Reprimand on July 25, 2019, for failing to represent his client diligently, failing to adequately communicate with his client and failing to act promptly and decisively in refunding a client's retainer payments at the time when such representation was terminated.

BURCH, Larry Neal – Commission Reprimand on April 10, 2020, for failing to safekeep funds in an attorney trust account. Respondent failed to safekeep funds when he disbursed disputed funds from his attorney trust account to his operating account before the dispute was resolved.

CAPRISTO, Joseph C. – Indefinite Suspension by Consent on March 20, 2020, effective on June 19, 2020, with the right to petition for reinstatement in 90 days, for failing to represent his client competently, failing to safekeep funds in an attorney trust account, and engaging in conduct that is prejudicial to the administration of justice. Respondent allowed his assistant to access his attorney trust account that contained debtor funds from debt collection matters, allowed the assistant to continue working after he discovered she had misappropriated funds from his operating account, and later discovered that over \$33,000.00 of debtor funds were misappropriated from his attorney trust account while the assistant had access to the account.

COLLINS, Natalie Thryphenia – Suspended for sixty (60) days on June 8, 2020, effective on July 8, 2020, for failing to represent her client competently and diligently, failing to adequately communicate with her client, failing to maintain fairness to opposing party and counsel, and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to respond to discovery requests and two motions for sanctions, failed to prepare her client, a witness,

and herself for a hearing, and disregarded her professional obligations to her client, opposing counsel, a court-appointed attorney, and the court.

COOKE, Ira Charles – Commission Reprimand on December 23, 2019, for failing to diligently represent his client and failing to adequately communicate with his client. Respondent failed to advise his client regarding the likelihood of success of a Motion for Modification of Sentence before the reisory period expired and failed to adequately explain the scope of his representation to the client.

DAILEY, Jonathan Christian – Disbarred on March 18, 2020, for disclosing confidential client information, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. After Respondent's client received settlement funds, he induced his client into giving him money as an "investment," misappropriated the funds, and repeatedly provided his client with misleading and false information about the funds.

DANSO, Judith Sakyi – Commission Reprimand on May 11, 2020, for failing to promptly remove earned fees from her attorney trust account and failing to maintain adequate client matter records.

EKEKWE, Olekanma Arnette – Indefinite Suspension on November 20, 2019, with the right to petition for reinstatement after reinstatement in the District of Columbia, in a reciprocal action from the District of Columbia for failing to represent her client competently and diligently, failing to adequately communicate with her client, collecting unreasonable fees, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. In a suit against the University of the District of Columbia, Respondent failed to conduct any legal research, failed to correct deficiencies in the complaint, failed to take further action in the matter despite informing her client she would do so, refused to refund any fees to her client, and deliberately falsified an invoice in support of her argument that she was entitled to fees paid by the client.

GONZALEZ, Edward – Indefinite Suspension by Consent on September 27, 2019, in a reciprocal action from the District of Columbia, for failing to adequately communicate with his clients, failing to protect his clients' interests upon termination of his representation, and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to provide Spanish-speaking clients with translated fee agreements and documents related to bankruptcy filings and threatened to withdraw from representation if clients did not execute new fee agreements to secure Respondent's requested fees.

GOLDBERG, Frederick B. – Commission Reprimand on February 26, 2020 for failing to competently and diligently represent his client, failing to adequately communicate with his client, failing to advise his client concerning the splitting of fees, and failing to communicate to his client that he was terminating his representation and the consequences of same. In a dental malpractice matter, Respondent failed to diligently prosecute client's claim, failed to inform client that her case was dismissed, and failed to adequately inform client that he would no longer be representing her.

HANCOCK, Charles Leonard – Indefinite Suspension on June 26, 2020, for engaging in conduct that is prejudicial to the administration of justice and knowingly manifesting by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation

or socioeconomic status. For approximately seven years, while working for the federal government, Respondent participated in an exchange of e-mails using his official government email address during work hours to make disturbingly inappropriate and offensive statements that demonstrated bias or prejudice for Hispanic, Asian, and African American people, and people whom he referred to as gay men, who were his colleagues.

HENSLEY, Samuel Edward – Disbarred on February 6, 2020, effective immediately, for failing to represent his clients competently and diligently, failing to adequately communicate with his clients, collecting unreasonable fees, failing to safekeep funds in an attorney trust account, failing to properly withdraw from representation, knowingly failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent failed to appear at a client meeting and a court hearing, failed to inform his client about his absence, failed to respond to his clients' attempts to contact him, failed to distribute settlement funds to his client's medical provider, failed to return his collected fee to his client after performing no legal service, failed to deposit a retainer payment into his attorney trust account, abandoned his client's case without notice, and misrepresented to his client that he was licensed to practice law in a state where he was not.

HERISCHI, Ali – Reprimand on June 22, 2020, for failing to adequately communicate with his client, failing to recognize a conflict of interest, and engaging in conduct that is prejudicial to the administration of justice. Respondent represented foreign investors in connection with their efforts to obtain visas through the United States' EB-5 Immigrant Investor Program. Respondent charged each client a flat fee of \$20,000 for services related to obtaining a visa and failed to advise his clients that he received an additional referral fee of \$40,000 from a third party if the client invested in a particular development project.

HOERAUF, Gwyn Cara – Disbarred on April 24, 2020, effective immediately, for failing to represent her client competently and diligently, failing to adequately communicate with her client, failing to abide by the scope of representation, failing to maintain candor to the tribunal, failing to maintain proper dealings with an unrepresented person, knowingly making false statements of material fact, failing to correct a misapprehension in a matter and failing to respond to Bar Counsel, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent facilitated and attorney-client relationship between her client's alleged victim, a 16 year old minor, and another attorney, and misled the circuit court in an effort to conceal that relationship and conceal her efforts to dissuade the victim from cooperating with the prosecution. In addition, Respondent failed to file motions on a client's behalf and misrepresented that she had done so, and made misrepresentations to Bar Counsel regarding the representation.

HULL, Miguel Alan – Indefinite Suspension by Consent on February 28, 2020, effective March 13, 2020, for committing a criminal act that reflects adversely on his honesty, trustworthiness and fitness as an attorney and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent pleaded guilty to two counts of criminal contempt for violating a civil protection order.

JOHNSON, Kim Yvette – Disbarred by Consent on October 4, 2019, effective immediately, for failing to safekeep funds in an attorney trust account, and engaging in conduct involving

dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. In a bankruptcy matter, Respondent instructed her client to make unauthorized disbursals and collected attorney's fees, without court approval and in direct violation of court orders.

KANE, Jr., Eugene Ignatius – Indefinite Suspension on August 26, 2019, effective September 25, 2019, for failing to represent his clients competently and diligently, failing to abide by the scope of representation, failing to adequately communicate with his clients, failing to identify a conflict of interest, failing to properly withdraw from representation, filing frivolous pleadings, failure to maintain candor to the tribunal and fairness to opposing parties and counsel, knowingly making a false statement of material fact, knowingly failing to respond to Bar Counsel and engaging in conduct that is prejudicial to the administration of justice. Respondent provided inaccurate legal advice to clients to the detriment of those clients, repeatedly failed to communicate with clients regarding the status of their cases and made misrepresentations in his personal bankruptcy and tax return filings.

KANE, Malcolm Bruce – Disbarred by Consent on March 9, 2020, effective immediately, for failing to represent his client competently, representing a client involving a conflict of interest, soliciting a substantial gift from a client, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent prepared trust documents that included a \$100,000.00 bequest to himself, depleted \$275,000.00 in trust assets for personal gain, and used approximately \$180,000.00 from the trust to retain two attorneys to represent his personal interests in receiving compensation for his resignation as trustee.

KARDIAN, David Patrick – Disbarred by Consent on June 10, 2020, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney and engaging conduct that is prejudicial to the administration of justice. Respondent pled guilty to one count of possession of child pornography in violation of Maryland Code Annotated, Criminal Law Article, Section 11-208.

KAUFMAN, Kenneth Steven – Disbarred on November 22, 2019, for failing to represent his client competently and diligently, failing to abide by the scope of representation, failing to adequately communicate with his client, collecting unreasonable fees, failing to take steps to protect his client's interest upon termination of his representation, knowingly failing to respond to Bar Counsel, and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to communicate with his client regarding the status of her case, ignored her many attempts to contact him, failed to respond to or oppose motions for summary judgment, failed to appear at two hearings, failed to inform his client that her case was dismissed, failed to inform his client of pending punitive sanctions, and failed to participate in the attorney grievance proceeding.

KLIMASKI, James Robert – Commission Reprimand on April 10, 2020 for failing to represent his client competently and collecting unreasonable fees. Respondent failed to investigate his client's claim and provide competent legal advice.

LANGRALL, Craig Harrison – Disbarred on May 22, 2020, for failing to represent his client competently and diligently, failing to adequately communicate with his client, failing to abide by the scope of representation, failing to identify a conflict of interest, failing to maintain truthfulness

in statements to others, committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent repeatedly made misrepresentations to his client regarding the status of her cases, including the misrepresentation that he secured \$900,000.00 in judgments in the client's favor when, in fact, the cases were dismissed because of his failure to serve defendants.

LEONARD, Robert Joseph – Commission reprimand on April 24, 2020, for engaging in conduct that is prejudicial to the administration of justice. Respondent used his cell phone to record court proceedings despite notices prominently displayed throughout the courthouse prohibiting such conduct.

LEWIS, Todd – Commission Reprimand on January 18, 2020 for failing to competently and diligently represent his clients and failing to maintain client ledgers for his attorney trust account. Respondent failed to provide competent and diligent representation in a bankruptcy matter resulting in dismissal of his clients' bankruptcy petition.

LOVE, Jonathan Frederick Seamon – Commission Reprimand on July 1, 2019, for failing to provide competent and diligent representation, failing to adequately communicate his client, collecting unreasonable fees and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to respond to a request for discovery in his client's divorce matter, failed to adequately communicate with his client prior to her merits hearing, and failed to advise his client that the outstanding attorney's fees had significantly exceeded Respondent's initial estimate.

LOVEJOY, Frederick Arthur – Reprimand on January 23, 2020, in a reciprocal action from Connecticut, for failing to maintain fairness to opposing parties and counsel and failing to maintain respect for rights of third persons. Respondent failed to pay a judgment owed by his firm for court reporting services, and in an effort to avoid payment, registered a new firm as an LLC with a slightly different name and claimed the previous firm ceased doing business and had no assets.

MARKEY, James Andrew – Indefinite Suspension on June 26, 2020, for engaging in conduct that is prejudicial to the administration of justice and knowingly manifesting by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status. For approximately seven years, while working for the federal government, Respondent participated in an exchange of e-mails using his official government email address during work hours to make disturbingly inappropriate and offensive statements that demonstrated bias or prejudice for Hispanic, Asian, and African American people, and people whom he referred to as gay men, who were his colleagues.

McKENNA, Christopher Benedict – Reprimand by Consent on November 20, 2019, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney. Respondent was convicted of criminal harassment.

MILLER, Anne Margaret – Disbarred on January 29, 2020, for failing to represent her client diligently, failing to adequately communicate with her client, collecting unreasonable fees, knowingly making false statements of material fact, failing to correct a misapprehension in a matter, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is

prejudicial to the administration of justice. For approximately one year, Respondent repeatedly misled her client to believe that Respondent had filed an adoption petition on behalf of her client when, in fact, she had not.

MILTON, Gregory J. – Indefinite Suspension on March 3, 2020, for failing to safekeep funds in an attorney trust account, filing frivolous pleadings, knowingly failing to respond to Bar Counsel and engaging in conduct that is prejudicial to the administration of justice. Respondent repeatedly failed to provide information to Bar Counsel, including records to show he properly maintained his attorney trust account, made cash withdrawals from his attorney trust account, and filed multiple frivolous filings.

NOLAN, Terrence Michael – Commission Reprimand on July 25, 2019, for failing to safekeep unearned fees in his attorney trust account and failing to obtain his client's informed consent, confirmed in writing, to hold the funds outside of trust.

NOWICKI, John Walter – Commission Reprimand on April 23, 2020, for failing to safekeep funds in an attorney trust account. Respondent failed to maintain accurate trust account records and failed to perform monthly reconciliations for a number of years.

O'NEAL, Ardra M. – Commission Reprimand on February 27, 2020 for failing to adequately communicate with her client concerning fees and her jurisdictional limitations and engaging in conduct that is prejudicial to the administration of justice. Respondent, who is not admitted to the Maryland Bar, failed to advise client who retained her for appeal to the Maryland Court of Special Appeals that she was not licensed to practice in Maryland. Notwithstanding that fact and that a Maryland attorney from her firm was the attorney of record for the appeal, Respondent was the only attorney from the firm to communicate with the client and engage in settlement negotiations on client's behalf.

OSTENDORF, Jason Alan – Commission Reprimand on August 26, 2019, for failing to safekeep unearned fees in an attorney trust account. Respondent collected a fee from his client in the amount of \$20,000.00 and failed to deposit any of those funds in his attorney trust account until earned.

PANTEAKIS, Nicholas Peter – Disbarred by Consent on August 12, 2019, effective September 3, 2019, for failing to maintain candor to the tribunal, committing a criminal act that reflects adversely on his honesty, trustworthiness and fitness as an attorney and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent made false statements to a detective and an agent with the Federal Bureau of Investigations regarding the whereabouts of Respondent's girlfriend. In addition, Respondent represented his girlfriend in her child custody matter and made false statements to the Court regarding the whereabouts of the minor child.

PAUL, Dana Andrew – Commission Reprimand on March 4, 2020, for failing to adequately communicate with his clients, collecting unreasonable fees, engaging in the unauthorized practice of law, and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to timely advise his clients regarding the opinion of their expert witness, threatened to withdraw his representation unless his clients' agreed to pay an increased fee and limited email

communications, and represented a client before the District Court for Anne Arundel County while suspended from the practice of law.

PHAROAH, Marie Lott – Commission Reprimand on December 4, 2019, for failing to safekeep unearned fees in her attorney trust account, failing to obtain her client's informed consent, confirmed in writing, to hold the funds in a non-trust account, and failing to keep contemporaneous time records in order to provide her client with an accurate invoice.

PLANTA, William Clark – Disbarred on December 6, 2019, effective immediately, for failing to represent his clients competently, failing to abide by the scope of representation, failing to adequately communicate with his client, collecting unreasonable fees, failing to safekeep funds in an attorney trust account, failing to take steps to protect his client's interest upon termination of his representation, failing to reasonably expedite litigation, failing to maintain candor to the tribunal, failing to maintain fairness to opposing parties and counsel, knowingly failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent appeared late and lied to the court about his tardiness, failed to appear, missed discovery and filing deadlines resulting in the imposition of sanctions, misappropriated and mishandled client funds, and failed to return unearned fees upon termination of representation.

POWERS, James Aloysius – Disbarred by Consent on May 22, 2020, effective immediately for engaging in the unauthorized practice of law, committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent continued to practice law after his license to practice was revoked in Virginia and after he was disbarred in New York, and Respondent failed to inform Bar Counsel of the revocation and disbarment.

POWERS, Ralph Wilson – Commission reprimand on January 21, 2020, for failing to safekeep funds in an attorney trust account and failing to properly withdraw from representation. Respondent withdrew funds held in trust without his client's knowledge or permission, and upon completion of his representation failed to either return or bill against the client's the remaining funds held in trust.

REED, James Kevin – Disbarred by Consent on October 24, 2019, effective immediately, for failing to adequately communicate with his client, failing to safekeep funds in an attorney trust account, knowingly failing to respond to a request for information by Bar Counsel, knowingly making false statements to Bar Counsel, committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and that is prejudicial to the administration of justice. Respondent misappropriated client funds and provided falsified bank statements during Bar Counsel's investigation.

RHEINSTEIN, Jason Edward – Disbarred on January 24, 2020, for failing to represent his client competently, failing to maintain fairness to opposing parties and counsel, failing to maintain respect for rights of third persons, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent misrepresented

facts to a circuit court judge in an effort to intimidate his opponents, advanced unsubstantial claims of fraud against an opposing party and, without basis, led a tribunal to believe that an opposing party had been facing criminal charges, repeatedly attempted to disqualify any attorney retained by the opposing party and to bully counsel into settling cases for ridiculous amounts. Respondent also pursued litigation in a vexatious manner and caused intolerable delay in the disciplinary proceeding.

RILEY, Nina M. – Commission Reprimand on July 24, 2019, for the unauthorized practice of law and engaging in conduct that is prejudicial to the administration of justice. Respondent appeared on behalf of her client in a criminal matter despite the fact that she is not admitted to the Maryland Bar. After the court advised that Respondent was unable to participate in the Maryland matter, she drafted a “Pro Per” Motion for Reconsideration and Evaluation by the Department of Health and Mental Hygiene which was subsequently filed with the court.

ROLLINS, III, Edward Dorsey Ellis – Suspended by Consent for sixty (60) days on August 21, 2019, effective September 1, 2019, for engaging in conduct that is prejudicial to the administration of justice. Respondent received probation before judgement for one count of disorderly conduct and one count of indecent exposure.

ROMELL, Luke – Commission Reprimand on December 3, 2019, for engaging in conduct that is prejudicial to the administration of justice. Without permission of the court, Respondent took possession of a shirt that had been admitted into evidence as one of the State’s exhibits, removed the shirt from the courtroom and instructed his client to try on the shirt. Respondent’s conduct delayed the proceedings and prejudiced the orderly administration of the trial.

ROTHMAN, Michael Steven – Commission Reprimand on December 23, 2019, for failing to adequately communicate with his client, failing to safekeep funds in his attorney trust account, and failing to take steps to protect his client’s interest upon termination of his representation. Respondent withdrew funds from his attorney trust account before they were earned and left his client’s file in a public area outside of his office.

ROWLAND, Dale Edward – Disbarred by Consent on May 15, 2020, effective immediately, for engaging in the unauthorized practice of law, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. For approximately four months following Respondent’s indefinite suspension from the practice of law, Respondent continued to practice and intentionally concealed his suspension from his employer.

RYAN, III, Charles Joseph – Indefinite Suspension by Consent on November 20, 2019, for disclosing confidential client information, failing to uphold his duty to a former client, and engaging in conduct prejudicial to the administration of justice. Respondent represented a current client in litigation filed against a former client involving licenses for cellular and broadband multimedia services. During his representation of the current client, Respondent disclosed confidential information obtained during his representation of the former client.

SAVINGTON, Richard Lee – Disbarred by Consent on October 23, 2019, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, and

engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and that is prejudicial to the administration of justice. Respondent failed to disclose to law enforcement that his client was hiding in Respondent's home and Respondent was convicted of harboring a fugitive.

SHIN, John Douglas – Commission Reprimand on February 24, 2020 for failing to represent his client competently and diligently, failing to adequately communicate with his client, and failing to safekeep unearned fees in his attorney trust account and failing to obtain his client's informed consent, confirmed in writing, to hold the funds outside of trust. In an immigration matter, Respondent filed an application for relief for which client was not eligible, failed to meet with client beyond a few meetings in the context of court appearances, and improperly relied on client's wife to communicate information to client.

SILBER, Lewis Maurice – Disbarred by Consent on February 28, 2020, effective June 27, 2020, for failing to safekeep funds in an attorney trust account and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent failed to disburse settlement funds to his client and a third-party lien holder and misappropriated \$328,381.24 in client and third-party funds.

SILVERMAN, Jonathan Charles – Indefinite Suspension by Consent on May 8, 2020, effective June 22, 2020, for failing to represent his client competently and diligently, failing to adequately communicate with his client, collecting unreasonable fees, failing to protect his client's interest as he ceased representation, failing to make reasonable efforts to expedite litigation, failing to make a reasonably diligent effort to comply with a discovery request and the court order ordering responses, failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. In a suit for breach of contract, Respondent failed to respond to discovery on his client's behalf, ceased communication with client, failed to advise client that Motions for Sanctions were filed or to respond to the motions in any manner, failed to advise client of hearing dates, failed to appear for ADR, failed to appear for hearing, and failed to respond to his client's request for a refund of fees.

SINGH, Raj Sanjeet – Suspended for sixty (60) days on July 17, 2019, effective August 16, 2019, for failing to represent his clients diligently, failing to adequately communicate with his clients, representing a client involving a conflict of interest, failing to safekeep unearned fees in an attorney trust account, knowingly making a false statement to Bar Counsel, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent represented both spouses in an immigration matter, failed to communicate regarding conditions on the resident status of the immigrant spouse before a two-year limitations period, and undertook to advise one spouse on whether he could bring criminal charges against the other spouse. In addition, Respondent gave a misleading statement under oath to Bar Counsel about whether he usually complied with rules requiring deposit of client funds in an attorney trust account.

SKLAR, Jason Evan – Disbarred by Consent on April 2, 2020, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent pleaded guilty to possession of cocaine with the intent to distribute.

SMITH-SCOTT, Arlene Adasa – Disbarred on January 10, 2020, effective immediately, for failing to represent her clients competently and diligently, failing to adequately communicate with her clients, failing to abide by the scope of representation, collecting unreasonable fees, disclosing confidential client information, failing to safekeep funds in an attorney trust account, failing to properly withdraw from representation, failing to maintain truthfulness in statements to others, candor to the tribunal, and fairness to opposing parties and counsel, knowingly making false statements of material fact, failing to correct a misapprehension in a matter, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice. Respondent represented herself in bankruptcy proceedings and filed frivolous pleadings, motions and appeals, intentionally hindered the trustee's ability to administer the case, and made false statements of material fact to the court. In addition, Respondent represented several clients and failed to file motions and appeals, made knowing misrepresentations and intentionally concealed information from her clients, and misappropriated client funds.

TAYLOR, Era Sherran – Commission Reprimand on April 27, 2020, for failing to safekeep funds in an attorney trust account and failing to promptly remove earned fees from her attorney trust account. The Respondent failed to create and maintain attorney trust account records and made several cash withdrawals from her attorney trust account.

TOLAR, Jane – Suspended by Consent for sixty (60) days on August 19, 2019, effective September 20, 2019, for knowingly making a false statement of material fact and knowingly failing to respond to Bar Counsel. Respondent misrepresented to Bar Counsel's investigator that she had not received or seen a copy of the complaint filed against her and failed to respond to Bar Counsel's numerous requests for information.

TOTTEN, Frank T. – Commission Reprimand on January 24, 2020, for failing to safekeep funds in an attorney trust account. Respondent failed to establish appropriate record-keeping systems which eventually caused his attorney trust account to be overdrawn.

TSIMPEDES, Athanasios Theodore – Indefinite Suspension by Consent on August 12, 2019, effective September 1, 2019, in a reciprocal action from the Supreme Court of New Jersey, for failing to safekeep unearned fees in an attorney trust account, knowingly failing to respond to a request for information by the New Jersey Office of Attorney Ethics and engaging in conduct that is prejudicial to the administration of justice. Respondent failed to create and maintain records associated with the receipt and disbursement of client and third-party funds and comingled funds in his attorney trust account.

TURNER, John Winfield – Disbarred by Consent on October 24, 2019, effective immediately, for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as an attorney and engaging in conduct that is prejudicial to the administration of justice. Respondent was convicted of three counts of possession of child pornography.

UGWUONYE, Ephraim Chukwuemeka – Disbarred on December 9, 2019, in a reciprocal action from the District of Columbia, for failing to adequately communicate with his clients, collecting unreasonable fees, failing to safekeep funds in his attorney trust account, and engaging in behavior

that is prejudicial to the administration of justice. Respondent recklessly misappropriated client funds.

WALTON, Charles Earl – Reprimand by Consent on October 21, 2019, for failing to represent his client diligently, failing to adequately communicate with his client, and engaging in conduct that is prejudicial to the administration of justice. In an EEOC matter, Respondent failed to appear for the Oral Argument.

WASHINGTON, Geoffrey Warren – Commission Reprimand on April 10, 2020, for engaging in the unauthorized practice of law and conduct that is prejudicial to the administration of justice. Respondent appeared before the District of Columbia Office of Administrative Hearings without being admitted to do so and without filing a motion to appear *pro hac vice*.

WILLIAMS, Patrick Todd – Disbarred by Consent on January 23, 2020, for failing to represent his clients competently and diligently, failing to adequately communicate with his clients, collecting unreasonable fees, failing to properly withdraw from representation, failing to reasonably expedite litigation, knowingly failing to respond to Bar Counsel, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent abandoned his law practice including approximately 70 open client matters.

WOO, David B. – Disbarred by Consent on December 3, 2019, for failing to represent his client competently and diligently, collecting unreasonable fees, failing to adequately communicate with his client, failing to safekeep funds in his attorney trust account, and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent misappropriated approximately \$28,000 of funds intended to pay his clients' creditors and failed to disburse in a timely manner \$3,000 held in trust and due to a third party.

YATES, Charles Darrow – Suspended for sixty (60) days on February 28, 2020, effective March 29, 2020, with the right to petition for reinstatement conditioned upon showing that his tax obligations are current, for committing a criminal act that reflects adversely on his honesty, trustworthiness and fitness as an attorney and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that is prejudicial to the administration of justice. Respondent failed to timely file State and federal income tax returns and pay the related taxes over an extended period of time.

ZIPIN, Philip B. – Reprimand on June 8, 2020, in a reciprocal action from the District of Columbia, for failing to represent his client competently and diligently, failing to adequately communicate with his client, and engaging in conduct that is prejudicial to the administration of justice. In an Estate matter before the District of Columbia Superior Court Probate Division, the Respondent failed to file letters of conservatorship which allowed a third party to take out a mortgage on his client's home without the Respondent's knowledge or consent, failed to file taxes on his client's behalf, and failed to timely file a final accounting.

TARGETED MAIL SOLICITATIONS

The Business Occupations and Professions Article of the Annotated Code of Maryland §10-605.2 requires an attorney to file with Bar Counsel copies of letters of solicitation sent to prospective clients under certain circumstances. In FY 2020, there were 573 targeted mail submissions, up slightly from 564 submissions in FY 2019. Of the submissions to Bar Counsel this year, twenty-three (23) submissions required revisions. The revisions were necessary to address violations of the Maryland Attorneys' Rules of Professional Conduct, Rules 19-307.1-19-307.5, including failure to provide Bar Counsel with a copy of the communication together with a sample copy of the envelope and list of prospective clients, failure to include the required wording on the advertising envelope and on the advertisement itself, and attorneys making false or misleading communication.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

Maryland Rule 19-411 permits approved financial institutions to maintain attorney trust accounts. Those approved institutions must agree promptly to report overdrafts on such accounts to Bar Counsel. Upon receipt of the bank's report, Bar Counsel seeks an explanation from the attorney. This year, there were seventy-six (76) overdraft notifications, down from one hundred and five (105) in FY 2019. Seventeen (17) were transferred to docketed status for further investigation, down from twenty (20) in FY 2019. The reasons for docketing were:

a)	Improper Retainer Agreement	1
b)	Safekeeping Property	8
c)	Failure to Respond to Bar Counsel	4
d)	Cash Withdrawals	3
e)	<u>Improper Recordkeeping</u>	1
	Total	17

Twelve (12) overdrafts were attributed to some form of bank error that included fees charged in error, bank reported in error, transfers from the wrong account, incorrect postings and incorrect dollar amounts, and failure to honor stop payments.

CONSERVATORSHIPS

When an attorney is deceased, disbarred or suspended, and there is no responsible attorney to take possession of the client files of that attorney, it becomes necessary for Bar Counsel to petition the local Circuit Court to establish a conservatorship. If no attorney is available in the community to take on the task, an attorney on Bar Counsel's staff is nominated to serve as conservator. Upon approval by the Circuit Court in the county where the attorney was licensed to practice, an appointment of a conservator is ordered, the files of the attorney are marshaled, and, with the aid of Staff Attorneys, notices are sent to clients to determine the appropriate disposition of active files. Pursuant to court order, the destruction of unclaimed client files is permitted.

In FY 2020, eleven (11) conservatorships were established and members of Bar Counsel's staff were appointed as the conservator in six (6) cases. Private lawyers were appointed as conservators in the remaining five (5) cases. Six (6) conservatorships were closed during the fiscal year. There are thirty-six (36) pending conservatorship cases at the end of FY 2020, including the conservatorships which were opened, and remain open, this fiscal year. Bar Counsel staff members are appointed as conservators in twenty-two (22) of the cases, and third parties are appointed as conservators in the remaining fourteen (14) cases.

<u>Opened</u>	<u>DATE</u>	<u>Third Party or AGC</u>
1. Charles, Steven A.	04/28/2020	3 rd Party
2. Dement, Pamela	02/20/2020	AGC
3. Green, Michael	03/26/2020	AGC
4. Johnson, Breon L.	08/05/2019	3 rd Party
5. Peitersen, Marc N.	07/23/2019	3 rd Party
6. Smith, Robert R.	02/19/2020	AGC
7. Striar, Eliot G.	01/13/2020	AGC
8. Wasserman, Barry M.	08/09/2019	3 rd Party
9. White, Darryl F.	08/19/2019	AGC
10. Williams, Patrick Todd	10/02/2019	AGC
11. Williams, Joseph T. F.	07/31/2019	3 rd Party

<u>Closed</u>	<u>DATE</u>	<u>Third Party or AGC</u>
1. Groton, Harry S. Jr.	10/22/2019	3 rd Party
2. Levitt, Bryan	01/15/2020	3 rd Party
3. Pretl, Michael A.	09/23/2019	3 rd Party
4. Raine, John	07/30/2019	3 rd Party
5. Rogers, Jr., William C.	08/26/2019	3 rd Party
6. Saper, Robert A.	08/12/2019	3 rd Party

CONSERVATORSHIPS

Pending:	DATE OPENED	Third Party or AGC
1. Ashurst, Charles	05/20/2016	3 rd Party
2. Axel, John	06/05/2015	3 rd Party
3. Beach, III, James G.	02/16/2019	3 rd Party
4. Bell, Jimmy A.	05/10/2017	AGC
5. Bell, John T.	02/21/2019	AGC
6. Briskin, Robert K.	03/09/2016	AGC
7. Charles, Steven A.	04/28/2020	3 rd Party
8. Dement, Pamela	02/20/2020	AGC
9. Giunta, Thomas J.	04/14/2016	AGC
10. Green, Michael	03/26/2020	AGC
11. Haeger, Robert J.	06/28/2019	3 rd Party
12. Jenkins, Frank P.	09/29/2009	AGC
13. Johnson, Breon L.	08/05/2019	3 rd Party
14. Judd, Robert J.	04/18/2017	AGC
15. Klein, Philip I.	10/16/2017	3 rd Party
16. Lewis, Neil	10/15/2014	AGC
17. Mirsky, Steven E.	11/26/2018	AGC
18. Mollock, Shakaira Simone	06/22/2016	AGC
19. Norman, Jr., Howard Wayne	03/19/2018	3 rd Party
20. Ober, William	05/03/2018	AGC
21. O'Connor, Jr., Edward J.	02/27/2019	AGC
22. Peitersen, Marc N.	07/23/2019	3 rd Party
23. Rhoads, Arthur	06/02/2014	AGC
24. Sacks, Stephen H.	06/01/2018	AGC
25. Shoup, Jonathan	05/10/2016	3 rd Party
26. Smith, Robert R.	02/19/2020	AGC
27. Snyder, Stuart J.	11/07/2017	3 rd Party
28. Stephenson, Marcia A.	01/11/2019	AGC
29. Striar, Eliot G.	01/13/2020	AGC
30. Ticer, Wilmer R.	02/25/2019	AGC
31. Tivvis, Joseph I.	11/02/2017	3 rd Party
32. Van Sweringen, Raymond A.	01/09/2017	AGC
33. Wasserman, Barry M.	08/09/2019	3 rd Party
34. Williams, Joseph T. F.	07/31/2019	3 rd Party
35. Williams, Patrick Todd	10/02/2019	AGC
36. White, Darryl F.	08/19/2019	AGC

PEER REVIEW COMMITTEE

This fiscal year 339 lawyers and 59 non-lawyers volunteered their time to participate in the peer review process. There were 71 statements of charges filed and 71 peer review meetings scheduled. In total, 103 complaints were subject to peer review. In forty-six percent (46%) of the complaints addressed by peer review panels, public charges were recommended; eleven percent (11%) reprimand; ten percent (10%) warning; five percent (5%) dismissal without a warning; and zero percent (0%) conditional diversion agreement. The peer review process was terminated in twenty percent (20%) of the matters referred to the Committee due to non-cooperation by the respondent attorney, waiver of peer review or settlement of the matter. Eight percent (8%) were pending at the end of the fiscal year. The Commission makes the final decision after receiving a recommendation from a Peer Review Panel. This fiscal year the Commission overturned ten recommendations, all of which resulted in greater disciplinary exposure for the attorney.

Montgomery County (12) and Baltimore County (8) had the highest number of Peer Review Panel meetings while ten (10) counties had none during the fiscal year.

PANEL BREAKDOWN BY COUNTY

Total of 71 Panels
Total of 103 Docketed complaints

County	Number of Panels
Anne Arundel County	6
Baltimore City	9
Baltimore County	8
Calvert County	2
Carroll County	3
Charles County	1
Frederick County	4
Garrett County	1
Harford County	1
Howard County	2
Montgomery County	12
Prince George's County	14
St. Mary's County	1
Washington County	1
Out of State	6

Note: The following counties had **0 Panels** in their jurisdiction:

**Allegany, Caroline, Cecil, Dorchester, Kent,
Queen Anne's, Somerset, Talbot, Wicomico, Worcester**

CONDITIONAL DIVERSION AGREEMENTS

When it is determined that misconduct by an attorney can be remediated without the need for a sanction, and the attorney and Bar Counsel agree, then a Conditional Diversion Agreement may be executed with the approval of the Commission. The agreement may have a variety of conditions, tailored to the needs of the attorney, recognizing any harm done to the complainant. Those conditions may include one or more of the following: an apology to a complainant, attendance at educational seminars, obtaining legal malpractice insurance, the appointment of a practice monitor for a specified period of time, hiring an accountant to instruct on proper bookkeeping practices, psychiatric and psychological treatment, among other conditions.

Such agreements usually conclude the disciplinary process. Ordinarily, the attorney has not been the subject of prior complaints. This fiscal year the Commission approved seventeen (17) conditional diversion agreements. Nine (9) conditional diversion agreements were administratively closed, and one (1) agreements was revoked. Twenty-four (24) were pending at the end of the fiscal year.

ACTIVITIES OF PROFESSIONAL STAFF

Bar Counsel Lydia E. Lawless presented programs to the American Bar Association, the Maryland State Bar Association, numerous county and specialty bar associations and groups including the Bankruptcy Bar Association, Baltimore County Bar Association, Montgomery County Bar Association, Maryland Volunteer Lawyers Service, the MSBA Criminal Law Section Council, the D.C. Bar Association, and the DC Defense Lawyers' Association. Ms. Lawless served as a panelist on a program at the 2020 Symposium, "Advancing Equal Access to Justice by Challenging Gender Bias in the Legal Profession: What's Next?" sponsored by Moser Ethics in Action Initiative, Woman, Leadership, and Equality Program and the Women's Bar Association of Maryland as well as a speaker at the Child Counsel Training presented by the Maryland Judiciary. Ms. Lawless guest lectured at the University of Baltimore School of Law and the Catholic University of America Columbus School of Law. She published articles in The Maryland Bar Journal and The Maryland Litigator and continued to serve on the MSBA Litigation Section Council and the Executive Committee of the Montgomery County Inn of Court. She served as "Buck Serjeant" to the Serjeants' Inn and as a mock trial judge for the Montgomery County Bar Association's High School Mock Trial Competition. Ms. Lawless also continued to serve on the National Organization of Bar Counsel's Communication Committee.

Deputy Bar Counsel Raymond A. Hein served as a panelist for a program on cross-jurisdiction cooperation at the Mid-Atlantic Association of Disciplinary Counsel conference in Richmond, Virginia. Along with Assistant Bar Counsel Brittany L. Strickland, he served on the faculty of an ethics program for Maryland Magistrates presented by the Maryland Judiciary's Department of Judicial Education. Mr. Hein continued to serve on the Professionalism Committee of the Baltimore County Bar Association (BCBA) and authored an article for the BCBA publication The Advocate. He also co-chaired a BCBA program on ethics issues related to internet marketing and use of social media by attorneys.

Deputy Bar Counsel Erin A. Risch served as a panelist at the American Immigration Lawyers Association DC Chapter Fall 2019 Conference's program, "Ethical Considerations in Immigration Matters, the Baltimore County Bar Association's program "Do's and Don'ts for Internet marketing and Social Media," the Maryland State Bar Association (MSBA) Elder Law Section's program, "Hot Topics in Elder Law," and presented as a guest speaker at the Cawood Inn of Court. Ms. Risch also presented at HUB International's Risk Management Seminar for Maryland Lawyers, and the Maryland Association for Justice's Solo & Small Firm Seminar. Ms. Risch served as the Chair of the MSBA's Litigation Section and has been elected to serve as the Immediate Past Chair for the 2020-2021 term.

Assistant Bar Counsel Jessica M. Boltz served as a panelist at the Mid-Atlantic Association of Disciplinary Counsel's Annual Conference, "Impact Cases Around the Region." Ms. Boltz also served as a panelist at the University of Baltimore's School of Law Honor Board's Annual Ethics Panel, "Drawing the Ethical Line: From Bar Application to Advocacy."

Assistant Bar Counsel Christine M. Celeste served as a panelist at the James C. Cawood, Jr. American Inn of Court's program, "I Sue Dead People." Ms. Celeste continues to serve on the MSBA's Criminal Law & Practice Section Council and is a member of the Justice Reinvestment Advisory Board.

Assistant Bar Counsel Brittany L. Strickland, along with Deputy Bar Counsel Raymond A. Hein, served on the faculty of the “Ethics for Magistrates” program presented by the Maryland Judiciary’s Department of Judicial Education. Additionally, Ms. Strickland authored an article for The Maryland Bar Journal.

Executive Secretary Marianne J. Lee served as President-Elect of the National Council of Lawyer Disciplinary Boards (NCLDB). Ms. Lee also served as Chair of the NCLDB Planning Committee and presented programs at the NCLDB Annual Meeting and the National Organization of Bar Counsel’s Mid-Year Meeting. Ms. Lee served as a mock trial judge for the MYLaw, Maryland Youth & the Law, High School Mock Trial Competition.

THE COMMISSION

(as of June 30, 2020)

Linda H. Lamone, Esq., Chair
J. Donald Braden, Esq., Vice-Chair
Betty Smith Adams, Esq.
Jeffrey P. Ayres, Esq.
Nicole Barmore, Esq., Secretary
William M. Shipp, Esq.
Kerry D. Staton, Esq.
C. Mayda Tsaknis, Esq.
Dennis Whitley, III, Esq.
LaNae S. Croxton, Public Member
Barry P. Gossett, Public Member, Treasurer
Timothy Phelps, Public Member

Executive Secretary

Marianne J. Lee

Administrative Assistant to Executive Secretary

Sharon Gross

ATTORNEY STAFF MEMBERS

(as of June 30, 2020)

Bar Counsel
Lydia E. Lawless

Deputy Bar Counsel
Raymond A. Hein
Erin A. Risch

Sr. Assistant Bar Counsel
Michael W. Blow

Assistant Bar Counsel
C. Shea McSpaden
Jessica M. Boltz
Nora A. Nichols
Christine M. Celeste
Brittany L. Strickland
Lisa M. Piccinini

Staff Attorney
Lana B. Hitchens

Law Clerk
Alec J. Prechtel

STAFF MEMBERS

Investigators
Jason P. Bogue, Lead Investigator
William M. Ramsey
Edwin P. Karr
Charles E. Miller, IV, CPA
Daniel J. Weishaar

Operations Manager
Susan G. Townshend

Administrative Assistants
Debora A. Goodrick
Nancy M. LaRocque
Daniela Valverde
Kelsey E. Rowe

Receptionist
Nancy I. Sale

File Clerk
Geneva Yearwood

TEN (10) YEAR COMPARISON CHART

July 1, 2010 through June 30, 2020

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Ten Year Totals
New Cases Received	2,321	2,037	1,963	2,082	2,147	1,835	2,061	1,802	1,657	1,599	19,504

Cases Docketed

Docketed Complaints (Prima facie misconduct indicated)	429	382	320	332	331	339	243	212	232	253	3,073
Reinstatement Petitions Received	12	7	16	22	11	13	14	17	18	10	140
Attorney Trust Account Overdraft (*)	n/a	n/a	23	8	6	5	14	21	20	17	114
Resignation (**)	n/a	n/a	n/a	3	4	0	1	2	4	4	18
Child Support (***)	n/a	2	4	1	7						
TOTALS	441	389	359	365	352	357	272	254	278	285	3,352

Docketed Cases Concluded	375	431	376	368	426	347	394	276	265	293	3,551
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Dispositions (by number of Attorneys)

Disbarred	11	23	16	18	20	16	14	14	14	11	157
Disbarred by Consent	13	22	21	8	24	13	19	12	12	17	161
Suspension	8	15	21	29	33	18	31	20	20	16	211
Interim Suspension	1	0	3	3	2	2	3	3	1	0	18
Public Reprimand by Court	6	7	5	9	8	3	4	4	5	6	57
Public Reprimand by Commission	27	26	23	19	24	26	22	12	25	26	230
Inactive Status	2	3	2	3	1	1	4	5	2	5	28
Dismissed by Court	5	5	10	6	5	8	4	4	3	8	58
Petitions for Reinstatement Granted	5	0	6	11	5	7	8	8	8	3	61
Petitions for Reinstatement Denied	7	3	5	7	4	4	7	7	7	6	57
Petitions for Reinstatement Withdrawn	0	0	1	6	3	2	1	4	3	1	21
Resignations Filed	0	0	0	2	4	0	1	1	3	5	16
TOTALS	85	104	113	121	133	100	118	94	103	104	1,075

Number of active Attorneys admitted to practice law in Maryland	35,515	36,579	37,290	37,266	38,938	39,814	39,890	40,300	40,393	41,177
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(*) New Category

beginning FY 2013

(**) New Category

Beginning FY 2014

(***) New Category

beginning FY 2018

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

REASONS FOR DISCIPLINARY ACTION: <small>(Excludes reinstatement, resignation, inactive status, dismissal by the court, or monitoring. Disciplinary action may have resulted from several rule violations, <u>only the primary rule violated is indicated below.</u>)</small>	FY 2019	FY 2020
Candor to the Tribunal	3	2
Communication with Person Represented by Counsel	1	0
Competence, Diligence, Communication, Failure to Abide by Client's Decisions	13	13
Conflict of Interest	6	1
Disclosure of Confidential Client Information	1	1
Duties Owed after Declining or Terminating Representation	1	2
Excessive Fee, Improper Division of Fee, or Illegal Fee	2	1
Expediting Litigation	0	1
Failure to Maintain Complete Records, Account for Client or Third-Party Funds, Failure to Maintain Trust Account or Safeguard Funds, Commingling	11	14
Failure to Respond to Disciplinary Agency or Making a False Statement in Connection with Bar Application or Disciplinary Matter	3	3
Fairness to Opposing Party and Counsel	1	0
Meritorious Claims and Contentions	0	0
Misappropriation of Client Funds, Estate Funds, Fiduciary Funds or Law Firm Funds	6	8
Misconduct – Conduct Prejudicial to the Administration of Justice	4	7
Misconduct – Criminal Action or Conviction	8	10
Misconduct – Dishonesty, Fraud, Deceit, or Misrepresentation	8	3
Misconduct – Knowingly Manifest by Words/Conduct – Bias/Prejudice	0	2
Respect for Rights of Third Parties	0	1
Responsibility for Actions of Subordinate Lawyer or Non-Lawyer Personnel	4	1
Unauthorized Practice of Law	5	6
TOTAL:	77	76

**ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT**

Fiscal Year 2020

NEW CASES RECEIVED	FY 2019	FY 2020
Complaint	1,531	1,451
Attorney Trust Account Overdraft Notice	105	76
Reinstatement Petition Received	17	12
Resignation	4	5
Rule 19-742 Compliance Files		55
TOTAL:	1,657	1,599

NEW DOCKETED CASES	FY 2019	FY 2020
Complaint	232	253
Attorney Trust Account Overdraft Notice	20	17
Reinstatement Petition Received	18	10
Resignation	4	4
Child Support	4	1
TOTAL:	278	285

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

DOCKETED CASES BY LAW PRACTICE CATEGORY	FY 2019	FY 2020
Attorney Trust Account	20	25
Bankruptcy	8	6
Civil Litigation	55	56
Contract	5	1
Criminal	13	8
Criminal – Prosecution	4	1
Criminal – Defense	14	27
Debt Collection	10	4
Employment Law	2	10
Family Law	30	22
Guardianship/CINA	0	4
Immigration	19	14
Injury to Persons, Property, etc.	15	26
Landlord – Tenant	2	5
Other Categories	30	22
Other – Criminal Conduct	9	5
Other – Personal Conduct	4	12
Probate	8	14
Real Estate	8	11
Reinstatement	20	10
Worker's Compensation	2	2
TOTAL:	278	285

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

DOCKETED CASES BY LOCALE	FY 2019	FY 2020
Allegany County	0	0
Anne Arundel County	24	25
Baltimore City	48	55
Baltimore County	26	32
Calvert County	1	3
Caroline County	0	0
Carroll County	4	1
Cecil County	1	2
Charles County	2	0
Dorchester County	0	0
Frederick County	2	2
Garrett County	0	2
Harford County	4	6
Howard County	12	13
Kent County	0	1
Montgomery County	64	57
Prince George's County	43	42
Queen Anne's County	0	0
Somerset County	0	0
St Mary's County	4	1
Talbot County	3	0
Washington County	6	4
Wicomico County	2	4
Worcester County	2	1
Out of State	30	34
TOTAL:	278	285

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

DOCKETED CASES BY PRIMARY RULE: <small>(Primary rule violated may change during the course of the case <u>only the primary rule alleged is indicated below.</u>)</small>	FY 2019	FY 2020
Competence (1.1)	16	21
Scope of representation/allocation of authority (1.2)	2	3
Diligence (1.3)	25	28
Communication (1.4)	11	27
Fees (1.5)	4	13
Confidentiality of Information (1.6)	3	2
Conflict of Interest: General Rule (1.7)	4	3
Conflict of Interest: Current Clients: Specific Rules (1.8)	3	3
Duties to Former Clients (1.9)	0	4
Imputation of Conflicts of Interest: General Rule (1.10)	0	1
Safekeeping Property (1.15)	41	45
Declining or Terminating Representation (1.16)	3	7
Meritorious Claims and Contentions (3.1)	4	2
Expediting Litigation (3.2)	0	1
Candor Toward the Tribunal (3.3)	3	3
Fairness to Opposing Party and Counsel (3.4)	4	4
Impartiality and Decorum of the Tribunal (3.5)	1	0
Trial Publicity (3.6)	1	0
Special Responsibilities of a Prosecutor (3.8)	2	1
Truthfulness in Statements to Others (4.1)	0	2
Communication with Person Represented by Counsel (4.2)	3	2
Dealing with Unrepresented Person (4.3)	0	2
Respect for the Rights of Third Persons (4.4)	1	2
Responsibilities of Partners, Managers, and Supervisory Lawyers (5.1)	0	2
Responsibilities Regarding Nonlawyer Assistants (5.3)	4	1
Unauthorized Practice of Law; Multijurisdictional Practice of Law (5.5)	13	23
Communications Concerning a Lawyer's Services (7.1)	0	2
Direct Contact with Prospective Clients (7.3)	1	0
Firm Names and Letterhead (7.5)	2	0
Bar Admission and Disciplinary Matters (8.1)	32	19
Judicial and Legal Officials (8.2)	1	0
Misconduct (8.4)	1	0
Misconduct - Violate or attempt to violate rules through another (8.4(a))	4	1
Misconduct - Commit a criminal act (8.4(b))	19	10
Misconduct - Dishonesty, fraud, deceit, misrepresentation (8.4(c))	11	10
Misconduct - Prejudicial to administration of justice (8.4(d))	16	11
Misconduct – Knowingly manifest bias or prejudice (8.4(e))	3	2
Other (Reinstatement, Reciprocal, Inactive, etc.)	40	28
TOTAL:	278	285

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

DISPOSITION OF CASES	FY 2019	FY 2020
Administratively Closed	36	39
Disbarment by COA	32	31
Disbarment by Consent	15	33
Dismissed by Commission	54	60
Dismissed by Court	3	8
Dismissed with Warning	47	45
Inactive by COA	0	0
Inactive by Consent	2	6
Indefinite Suspension	6	7
Indefinite Suspension by Consent	16	6
Reinstatement – Denied	7	6
Reinstatement – Granted	8	3
Reinstatement – Withdrawn	3	1
Reprimand by Commission	25	27
Reprimand by COA	0	1
Reprimand by COA by Consent	5	10
Resignation	3	5
Suspension 30 Days	0	0
Suspension 30 Days by Consent	1	0
Suspension 60 Days	1	3
Suspension 60 Days by Consent	1	2
Suspension 90 Days	0	0
Suspension 1 Year	0	0
TOTAL:	265	293

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATISTICAL REPORT
Fiscal Year 2020

DISCIPLINARY ACTION (by number of attorneys)	FY 2019	FY 2020
Disbarment	14	11
Disbarment by Consent	12	17
Indefinite Suspension	6	5
Indefinite Suspension by Consent	11	6
Suspension	3	5
Dismissed by COA	3	8
Inactive	0	0
Inactive by Consent	2	5
Interim Suspension	1	0
Reinstatement – Denied	7	6
Reinstatement – Granted	8	3
Reinstatement – Withdrawn	3	1
Reprimand by Commission	25	26
Reprimand by COA	0	1
Reprimand by COA by Consent	5	5
Resignation	3	5
TOTAL:	103	104

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND
Annapolis, Maryland

AUDITED FINANCIAL STATEMENTS
June 30, 2020 and 2019

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INDEPENDENT AUDITORS' REPORT

To the Commissioners
Attorney Grievance Commission of Maryland

Report on the Financial Statements

We have audited the accompanying financial statements of the Attorney Grievance Commission of Maryland, which comprise the statements of financial position as of June 30, 2020 and 2019, and the related statements of budget, receipts, expenditures, and net assets, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

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Basis for Qualified Opinion

The Commission has accrued and included software costs in the accompanying statement of budgets, receipts, expenditures, and net assets for the year ending June 30, 2020, and the balance sheet as of June 30, 2020, which in our opinion should not be accrued and recognized in accordance with accounting principles generally accepted in the United States of America. If these software costs had not been expensed in the current period, prepaid expenses would be increased by \$50,000, and total net assets would be increased by \$173,000 as of June 30, 2020. In addition, total expenditures would be decreased by \$173,000 and the change in net assets would be increased by \$173,000 for the year ending June 30, 2020.

Qualified Opinion

In our opinion, except for the effects on the financial statements of expensing the software costs as described in the Basis for Qualified Opinion paragraph, the financial statements referred to above present fairly, in all material aspects, the financial position of the Attorney Grievance Commission of Maryland as of June 30, 2020 and 2019, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Report on Supplementary Information

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The supplemental information is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion the information is fairly stated in all material respects in relation to the financial statements as a whole.



Annapolis, Maryland
September 25, 2020

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF FINANCIAL POSITION
JUNE 30, 2019 and 2018

	ASSETS	
	<u>2020</u>	<u>2019</u>
CURRENT ASSETS		
Cash and cash equivalents	\$ 576,604	\$ 589,956
Investments - Other	3,500,000	3,500,000
Client Protection Fund accounts receivable	100,020	91,599
Prepaid expenses	12,147	10,504
TOTAL CURRENT ASSETS	<u>4,188,771</u>	<u>4,192,059</u>
Property and equipment, net	52,350	70,586
NON-CURRENT ASSETS		
Investments - Other	750,000	1,250,000
Security deposits	20,020	20,020
TOTAL NON-CURRENT ASSETS	<u>770,020</u>	<u>1,270,020</u>
TOTAL ASSETS	<u>\$ 5,011,141</u>	<u>\$ 5,532,665</u>
LIABILITIES AND NET ASSETS		
CURRENT LIABILITIES		
Accounts payable and other current liabilities	188,790	106,405
Payroll liabilities	15,197	-
Pension payable	318,789	178,041
Accrued compensated absences	199,238	159,691
Current portion of deferred lease expense	5,859	5,859
TOTAL CURRENT LIABILITIES	<u>727,873</u>	<u>449,996</u>
Deferred lease expense	23,438	29,297
Retiree health insurance credit plan	<u>919,581</u>	<u>859,014</u>
TOTAL LIABILITIES	1,670,892	1,338,307
NET ASSETS		
Restricted	94,775	1,541,158
Unrestricted	<u>3,245,474</u>	<u>2,653,200</u>
TOTAL NET ASSETS	<u>3,340,249</u>	<u>4,194,358</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 5,011,141</u>	<u>\$ 5,532,665</u>

The accompanying notes are an integral part of the financial statements.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF BUDGET, RECEIPTS, EXPENDITURES AND NET ASSETS
FOR THE YEARS ENDED JUNE 30, 2019 and 2018

	2020		2019	
	Actual	Budget	Variance Positive (Negative)	Actual
COMMISSION RECEIPTS				
Attorney Assessments	\$ 4,497,115	4,451,590	\$ 45,525	\$ 4,484,369
Investment Income	138,862	60,000	78,862	86,096
Court Recovered Costs	36,905	45,000	(8,095)	43,456
TOTAL RECEIPTS	4,672,882	4,556,590	116,292	4,613,921
COMMISSION EXPENSES				
Personnel Costs	3,177,236	3,342,305	(165,069)	2,522,606
Case Management Costs	162,756	272,000	(109,244)	169,345
Staff Support	66,639	109,700	(43,061)	98,834
Outside Services	110,026	112,000	(1,974)	101,774
Information Technology Support	336,419	206,000	130,419	146,295
Office Expense	353,869	366,745	(12,876)	333,861
Court Mandated Costs	120,352	180,000	(59,648)	167,851
TOTAL EXPENDITURES	4,327,299	4,588,750	(261,451)	3,540,566
INCREASE (DECREASE) IN NET ASSETS	\$ 345,583	\$ (32,160)	\$ 377,743	\$ 1,073,355
NET ASSETS, BEGINNING OF YEAR		4,194,358		3,463,972
RESTRICTED NET ASSETS, PRIOR YEAR		(1,541,158)		(342,969)
RESTRICTED NET ASSETS, CURRENT YEAR		94,775		1,541,158
UNRESTRICTED NET ASSETS		3,245,474		2,653,200
NET ASSETS, END OF YEAR		\$ 3,340,249		\$ 4,194,358

The accompanying notes are an integral part of the financial statements.

THE ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2020 and 2019

CASH FLOWS FROM OPERATING ACTIVITIES	2020	2019
Increase in net assets:	\$ 345,583	\$ 1,073,355
Adjustments to reconcile increase in unrestricted net assets to cash provided by (used in) operating activities		
Depreciation	25,926	14,766
(Increase) decrease in:		
Client Protection Fund accounts receivable	(8,421)	2,988.00
Prepaid expenses	(1,643)	(1,436)
Increase (decrease) in:		
Accounts payable	82,385	21,168
Payroll liabilities	15,197	-
Pension payable	140,748	(96,875)
Accrued compensated absences	39,547	21,447
Retiree health insurance credit plan	60,567	(5,152)
Deferred lease expense	<u>(5,859)</u>	<u>(5,860)</u>
NET CASH PROVIDED BY OPERATING ACTIVITIES	694,030	1,024,401
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of investments - net	500,000	(1,000,000)
Purchase of property & equipment	<u>(7,690)</u>	<u>(54,395)</u>
NET CASH USED IN INVESTING ACTIVITIES	492,310	(1,054,395)
CASH FLOWS FROM FINANCING ACTIVITIES		
Court ordered transfer to the Client Protection Fund	(1,541,158)	(342,969)
Refund from the Maryland Professionalism Center	<u>341,466</u>	<u>-</u>
NET CASH USED IN FINANCING ACTIVITIES	(1,199,692)	(342,969)
NET INCREASE (DECREASE) IN CASH	<u>(13,352)</u>	<u>(372,963)</u>
CASH AT BEGINNING OF YEAR	<u>589,956</u>	<u>962,919</u>
CASH AT END OF YEAR	<u>\$ 576,604</u>	<u>\$ 589,956</u>

The accompanying notes are an integral part of the financial statements.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2020 and 2019

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND PROCEDURES

Nature of the Commission

The Attorney Grievance Commission of Maryland, (the Commission) was authorized and created by the Court of Appeals of Maryland on February 10, 1975 to oversee the conduct of both Maryland lawyers and nonmembers of the Maryland Bar who engage in the practice of law in the State. The Commission investigates and, where indicated, prosecutes attorneys whose conduct violates the Maryland Attorneys' Rules of Professional Conduct as well as those engaged in the unauthorized practice of law.

Basis of Accounting

As an instrumentality of the Maryland Court of Appeals, the Commission maintains its accounting records on a basis consistent with generally accepted accounting principles. The Commission's funds are used to account for the proceeds of revenue sources that are restricted to expenditures for specific purposes.

Revenue and Revenue Recognition

Attorney assessments are the Commission's primary source of revenue. Assessments are received through payments made by individual attorneys to the Client Protection Fund of the Bar of Maryland (CPF) on a billing which includes assessments for CPF and the Commission. These annual assessments are required by the Maryland court system for any individual admitted to practice before the Court of Appeals or issued a certificate of special authorization under Rule 15 of the Rules Governing Admission to the Bar of Maryland, or any individual who holds himself or herself out as being admitted to practice in Maryland by any means.

Since there is no requirement that an individual remain admitted to practice law in the State of Maryland, assessments are deemed to be revenue only when collected. When assessments are collected by the Client Protection Fund, but not yet remitted to the Commission, they appear as a receivable on these financial statements. Based on prior experience, management feels that all amounts will be collected; therefore, there is no allowance for doubtful accounts included in these financial statements. The assessment collected by the Commission for each attorney in practice was \$110 for the year ended June 30, 2020 and \$110 for the year ended June 30, 2019. The number of practicing attorneys assessed during the years ended June 30, 2020 and 2019 was 40,615 and 41,987, respectively.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Income Tax Status

The Commission is an instrumentality of the Maryland Court of Appeals and as such is not subject to income taxes. Accordingly, no provision has been made. The Commission believes that it has appropriate support for any tax positions taken, and as such, does not have any uncertain tax positions that are material to the financial statements.

Cash and Cash Equivalents

Cash and cash equivalents represent cash held in checking and money market accounts with original maturities of less than ninety days.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2020 and 2019

Investments

The Commission invests solely in brokered certificates of deposit. These investments are identified as Investments – Other and are recorded at cost as of the balance sheet date.

Property and Equipment

Acquisitions of equipment and furniture and all expenditures for repairs, maintenance, and betterments costing \$1,000 or greater that materially prolong the useful lives of assets are capitalized. Expenditures for maintenance and repairs are charged to expense as incurred. Equipment and furniture are stated at cost, less accumulated depreciation. Depreciation and amortization are computed using the straight-line method over estimated useful lives of three to thirty-nine years. Leasehold improvements are amortized on the straight-line method over the shorter of the lease term or estimated useful life of the asset.

Compensated Absences

The entity accrues a liability for certain sick leave, and all annual leave which has been earned but not taken by the employees. Employees can earn a maximum of 25 days for annual leave per year. Annual leave can be accumulated up to 35 days. There is no requirement that annual leave be taken in the year earned. Upon termination, employees are paid for any accumulated annual leave. Employees hired prior to January 1, 1989 are reimbursed one third of accumulated sick leave, up to sixty days upon termination. Employees hired after 1988 are not reimbursed for accumulated sick leave.

NOTE 2 – INVESTMENTS - OTHER

The Commission invests only in negotiable certificates of deposit and accounts for these investments in accordance with FASB ASC 825, *Financial Instruments – Overall*, where they are classified as Held-to-Maturity and carried at cost. Any certificates of deposit that mature within one year are classified as current assets and those with maturity dates greater than one year are classified as non-current assets. Because the Certificates of Deposit are purchased in increments of \$250,000 or less, they are insured by the FDIC. Accordingly, there is virtually no risk of gain or loss, as long as the investments are held to maturity. It is the Commission's intent to hold all investments to maturity.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2020 and 2019

NOTE 3 – PROPERTY AND EQUIPMENT

Property and equipment consisted of the following as of June 30:

	2020	2019
Computer equipment	\$ 113,208	\$105,519
Furniture and fixtures	88,202	88,202
Leasehold improvements	17,390	17,390
Software	118,796	118,796
Total property and equipment	<u>337,596</u>	<u>329,907</u>
Less accumulated depreciation	<u>285,246</u>	<u>259,321</u>
Property and equipment, net	<u><u>\$ 52,350</u></u>	<u><u>\$ 70,586</u></u>

Depreciation expense for the periods ending June 30, 2020 and 2019 was \$25,926 and \$14,766 respectively.

NOTE 4 - PENSION PLAN

The Commission sponsors a trustee defined contribution pension plan covering substantially all employees meeting minimum age and service requirements. Contributions to the plan for the years ended June 30, 2020 and 2019 were \$318,789 and \$178,041 respectively. This amount is equal to 15% of the participant's compensation. For periods ending June 30, 2020 and 2019, the amount owed by the Commission to the plan was \$318,789 and \$178,041, respectively.

NOTE 5 – OTHER POSTEMPLOYMENT BENEFITS

On September 1, 2012 the Commission adopted an Other Postemployment Benefit Plan (OPEB) to provide health insurance reimbursement benefits to eligible retirees and their surviving spouses. The official name of the plan is "The Attorney Grievance Commission of Maryland Retiree Health Insurance Credit Plan." Eligible retirees include employees with at least ten years of service and have attained age fifty-five, or persons who have become disabled and are receiving benefits under the terms of the Social Security Act. Surviving spouses must have been covered under this plan at the time of the retiree's death and enroll in the Plan on the first day of the month following the death of the covered retiree. Plan benefits will be paid directly by the Commission to the retiree at a rate of the lesser of \$4,200 annually or their actual health insurance premiums.

In accordance with GASB 75 - *Accounting and Financial Reporting for Postemployment Benefits Other than Pension*, the Commission recognizes the full OPEB liability on the balance sheet. The total contribution expense charged as an expenditure in the current year was \$38,682.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2020 and 2019

Key Actuarial Factors

Actuarial cost method	Entry age normal cost method
Discount rate	3.13%
Actuarial valuation date	June 30, 2019

The chart below shows the Change in Net OPEB Liability. The calculation includes deferred inflow of resources in the amount of \$37,040 and deferred outflow of resources in the amount of \$48,578 due to a change in assumptions, representing a decrease in liability. In accordance with GASB 75, this amount will be recognized in expense over the next 10 years.

Change in Net OPEB Liability

	Total OPEB Liability	Plan Fiduciary Net Position	Net OPEB Liability
	(a)	(b)	(a) - (b)
Balance as of June 30, 2018 for FYE 2019	\$ 897,696		\$ 897,696
Changes for the Year			
Service Cost	39,485		39,485
Interest	31,845		31,258
Changes of Benefit Terms			
Experience Losses (Gains)	(25,525)		(25,525)
Trust Contribution – Employer		38,682	(38,682)
Net Investment Income			
Changes in Assumptions	53,976		53,976
Benefit Payments (net of retiree contributions)	(38,682)	(38,682)	
Administrative Expense			
Net Changes	61,099		61,099
Balance as of June 30, 2019 for FYE 2020	\$ 958,795		\$ 958,795

The Commission made payments of \$39,214 to current retirees. These payments were applied to the Net OPEB Liability, reducing the 2019 Net OPEB liability to \$919,581.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2020 and 2019

NOTE 6 – LEASE COMMITMENT

The Commission leases office space in Annapolis, MD. The lease calls for monthly rental payments beginning on July 1, 2016. In addition to lease payments, the Commission is responsible for their portion of common area maintenance and property tax of about \$900 per month. The lease is an operating lease and the agreement expires in 2025, with an option to renew for up to five years. In the normal course of business, it is expected that available options to renew will be exercised.

In addition, at signing, the lease included a lease incentive of deferred lease expense for the first three months of the agreement. The total remaining amount of deferred lease expense provided by the lessor was \$23,438. This amount is reported on the Statement of Financial Position as deferred lease expense and is amortized over the life of the lease. The following is a schedule by year of future minimum rental payments required under the operating lease agreements:

June 30, 2020	240,236
June 30, 2021	240,236
June 30, 2022	240,236
June 30, 2023	240,236
June 30, 2024	<u>240,236</u>
Total	<u>\$ 1,201,180</u>

NOTE 7 - RELATED PARTY TRANSACTIONS

Revenue

The Commission has significant transactions with the Client Protection Fund of the Bar of Maryland (CPF), an instrumentality of the State of Maryland. All attorney assessments are collected by CPF and the Commission's portion is transferred monthly by check. At year end, CPF owed the Commission attorney assessments in the amount of \$1,540 and \$3,125 at June 30, 2020 and 2019, respectively.

Reimbursable Expenses

The Commission provided office space, salary and benefits to three CPF employees. CPF reimburses the Commission for these expenses on a quarterly basis. During the years ending June 30, 2020 and 2019, the Client Protection Fund of the Bar of Maryland was billed \$338,395 and \$339,634, respectively, by the Commission for fees incurred for salaries, benefits and lease expenses. At June 30, 2020 and 2019, the Client Protection Fund of the Bar of Maryland owed these fees to the Commission in the amount of \$98,480 and \$88,474, respectively.

NOTE 8 – BONDS

The Commission has a \$6,000,000 blanket crime protection insurance policy in effect for employee dishonesty.

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
NOTES TO FINANCIAL STATEMENTS, continued
JUNE 30, 2020 and 2019

NOTE 9 – CONTINGENCIES

Prior to the 2014 fiscal year, the Maryland Court of Appeals, at its discretion, was permitted to order a transfer of funds from the Commission to court related agencies. On March 13, 2014 an Administrative Order was issued by the Maryland Court of Appeals, requiring the Commission to maintain a net asset balance of 75% of the prior year's fiscal expenditures. Any excess net asset amount would be due to the Client Protection Fund, as of 30 days following the issuance of annual audited financial statements. As this amount cannot be determined by the Commission as of the fiscal year end, and it has not been declared or approved by the Courts, it is not a current liability of the Commission, but rather a restricted portion of net assets. Per this Order, at June 30, 2020 and 2019, the Commission owed \$94,775 and \$1,541,158 to the Client Protection Fund, respectively. This amount is set aside as "Restricted Net Assets" on the June 30, 2020 and 2019 Statements of Financial Position. The \$1,541,158 owed as of June 30, 2019 was paid to the Client Protection Fund by the Commission on October 21, 2019. In addition, on October 17, 2019, and as directed by the Court of Appeals of Maryland, the Commission received a refund of unspent funds from the Maryland Professionalism Center in the amount of \$341,466. This is a one-time refund as the Center has ceased operations. The Commission does not anticipate additional refunds in the future.

Beginning Net Assets	4,194,358
Plus Refund From Maryland Professionalism Center:	341,466
Plus Net Income:	345,583
Less Balance Paid Prior Year:	<u>(1,541,158)</u>
Ending Net Assets	3,340,249
 Total FY2020 Expenditures	 (4,327,299)
75% of Total Expenditures	(3,245,474)
 Excess Fund Balance	 <u><u>94,775</u></u>

NOTE 10 – RECLASSIFICATIONS

Certain amounts in the prior periods presented have been reclassified to conform to the current period financial statement presentation. These reclassifications have no effect on previously reported net income.

NOTE 11 – MANAGEMENT'S SUBSEQUENT REVIEW

The Commission has evaluated subsequent events through September 25, 2020, the date which the financial statements were available to be issued, and no events were noted that would materially impact the financial statements.